

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**LEEANN CELESTE EMMONS**  
**816 Saratoga Avenue, #M-101**  
**San Jose, CA 95129**

**Registered Nurse License No. 599712**

Respondent

Case No. 2012-690

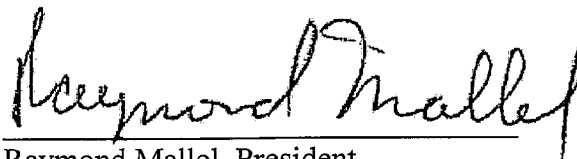
OAH No. 201280317

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 15, 2013.**

IT IS SO ORDERED **February 14, 2013.**



Raymond Malle, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-690

13 **LEEANN CELESTE EMMONS**  
14 **816 Saratoga Avenue #M-101**  
15 **San Jose, CA 95129**  
16 **Registered Nurse License No. 599712**

OAH No. 201280317  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

17 Respondent.

[Bus. & Prof. Code § 495]

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the  
22 Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Susana A. Gonzales, Deputy Attorney General.

25 2. Respondent Leeann Celeste Emmons (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.  
27  
28

3. On or about May 23, 2002, the Board of Registered Nursing issued Registered Nurse License No. 599712 to Leeann Celeste Emmons (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-690 and will expire on December 31, 2013, unless renewed.

## JURISDICTION

4. Accusation No. 2012-690 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 7, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-690 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-690. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-690.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s Disciplinary Order as set forth below.

### CIRCUMSTANCES IN MITIGATION

10. Respondent Leeann Celeste Emmons has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Registered Nurse License No. 599712 issued to  
6 Respondent Leeann Celeste Emmons (Respondent) shall, by way of letter from the Board's  
7 Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached  
8 as Exhibit B to this stipulation.

9 IT IS FURTHER ORDERED that Respondent shall pay \$2,072.00 to the Board for its costs  
10 associated with the investigation and enforcement of this matter. Respondent shall be permitted  
11 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board  
12 costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until  
13 Respondent pays costs in full.

14 **ACCEPTANCE**

15 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.  
16 I understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
17 into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily,  
18 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
19 Registered Nursing.

20  
21 DATED: 11/5/12

Leeann C Emmons  
LEEANN CELESTE EMMONS  
Respondent


ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 11/7/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

  
SUSANA A. GONZALES  
Deputy Attorney General  
*Attorneys for Complainant*

SF2012900782  
90271193.doc

**Exhibit A**

**Accusation No. 2012-690**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 CAROL ROMEO  
Deputy Attorney General  
4 State Bar No. 124910  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2141  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-690**

12 **LEEANN CELESTE EMMONS**  
865 Pomeroy Avenue, Apt. 213B  
13 Santa Clara, CA 95051

**A C C U S A T I O N**

14 **Registered Nurse License No. 599712**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about May 23, 2002, the Board of Registered Nursing issued Registered Nurse  
23 License Number 599712 to Leeann Celeste Emmons (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought in this Accusation  
25 and will expire on December 31, 2013, unless renewed.

26 ///

27 ///

28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • •

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5  
6  
7  
8

8

b. On or about August 30, 2011, Respondent left PCH in order to retrieve additional syringes from her home. She returned to the hospital approximately 40 minutes later with an additional eight Sildenafil syringes. Respondent stated that she diverted the medication from PCH's Omnicell in order to assist a friend who was unable to afford the medication for her child.

12. As a result of the above conduct, on or about January 25, 2012, in a disciplinary action before the Arizona State Board of Nursing (Arizona Board), the Arizona Board entered a Decree of Censure against Respondent.

FIRST CAUSE FOR DISCIPLINE  
(Unprofessional Conduct – Out of State Discipline)  
(Bus. & Prof. Code § 2761, subd. (a)(4))

13. Complainant hereby realleges the allegations contained in paragraphs 11 and 12 above, and incorporates them as though fully set forth.

14. Respondent has subjected her registered nurse license to disciplinary action under Section 2761, subdivision (a)(4), of the Code in that another state health care professional licensing board took disciplinary action against her Arizona registered nurse license. Specifically, on or about January 25, 2012, the Arizona Board entered a Decree of Censure against Respondent for engaging in unprofessional conduct by violating Arizona Revised Statute (A.R.S.) sections 32-160163(18)(d) (conduct harmful that might be harmful to the patient's health), 32-160163(18)(g) (willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter), 32-160163(18)(h) (committing an act that deceives, defrauds or harms the public), and 32-160163(18)(j) (violating this chapter or a rule adopted by the Board pursuant to this chapter).

SECOND CAUSE FOR DISCIPLINE  
(Unprofessional Conduct – Obtain or Possess Dangerous Drug)  
(Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (a))

15. Complainant hereby realleges the allegations contained in paragraph 11 above, and incorporates them as though fully set forth.

16. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a), as defined by Code section 2762, subdivision (a), for

unprofessional conduct. Specifically, as set forth above in paragraph 11, Respondent obtained or possessed in violation of law a dangerous drug as defined in Code section 4022.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 599712, issued to Leeann Celeste Emmons (Respondent);
2. Ordering Leeann Celeste Emmons to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

May 7, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SF2012900782  
accusation.rtf

**Exhibit B**

**Letter of Public Reproval in Case No. 2012-690**



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

**Board of Registered Nursing**  
P O Box 944210, Sacramento, CA 94244-2100  
P (916) 322-3350 | [www.rn.ca.gov](http://www.rn.ca.gov)  
**Louise R. Bailey, M.ED., RN, Executive Officer**



February 14, 2013

Leeann Celeste Emmons  
816 Saratoga Avenue, #M-101  
San Jose, CA 95129

RE: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against: Leeann Celeste Emmons  
Registered Nurse License No. 599712

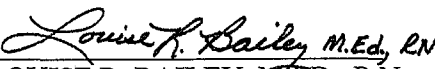
Dear Ms. Emmons:

On or about May 7, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct under Business and Professions Code sections 2761, subdivision (a)(4) and (a), and 2762, subdivision (a). Specifically, on or about January 25, 2012, the Arizona Board of Registered Nursing entered a Decree of Censure against your Arizona registered nurse license based upon your conduct when you diverted Sildenafil syringes from your employer's automated medication dispensing machine because you wanted to assist a friend who could not afford the medication for her child.

Taking into consideration the fact that you have been a registered nurse in California since 2002 without any prior disciplinary action and you have provided compelling mitigation information including letters of reference from co-workers, the Board has determined that you are safe to practice registered nursing and that the charges alleged in the Accusation warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California